

24 May 2026



Chief Executive Officer  
Development Assessment  
Brisbane City Council

Minor Change Application to An Existing Development Approval  
Application Reference: A006221719  
Addresses of Site: 11/50 MERLIN TCE KENMORE 4069  
Property Description: Lot 11 on SP312780

Proposal: New Patio roof for Unit 11

**Dear Sir/Madam,**

RE: Minor Change Application to An Existing Development Approval

On behalf of the property owner, we make this application to change the development approval to you as the responsible entity. The proposed change is a minor change in accordance with Section 81 of the *Planning Act 2016*.

After assessment of the proposed changes, Oasis Town Planning forms the view that the proposed change would NOT result in 'substantially different' development.

Section 4 of the Schedule 1 of the DA Rules states:

A change may be considered to result in a substantially different development if any of the following apply to the proposed change:

<b>Criteria</b>	<b>Applicant's Response</b>
<i>(a) involves a new use; or</i>	<b>The proposed use remains the same as multiple dwellings.</b>
<i>(b) results in the application applying to a new parcel of land; or</i>	<b>The proposed use remains the same as multiple dwellings.</b>
<i>(c) dramatically changes the built form in terms of scale, bulk and appearance; or</i>	<b>The proposed change to the multiple dwellings does not result dramatic changes to the built form in terms of scale, bulk and appearance. The proposed patio (15sqms) will provide additional covered area for recreational use of the residents of Unti 11. The proposed patio has a building height of only 2.5m, therefore it will not dramatically change the appearance of the Existing Unit</b>

	<b>11. The proposed patio has been setback from the side boundary where it abuts an existing communal open space/landscaping area of the townhouse development. It will not undermine the built form or appearance of the existing retirement village. The proposed patio will not undermine the residential amenity or privacy of the adjoining units.</b>
<i>(d) changes the ability of the proposed development to operate as intended; or</i>	<b>The proposed use remains the same as multiple dwellings.</b>
<i>(e) removes a component that is integral to the operation of the development; or</i>	<b>The proposed development will not remove any component that is integral to the operation of the intended use.</b>
<i>(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or</i>	<b>The proposed development will not impact on the traffic flow. The nature of the proposed use remains the same multiple dwelling. The change will not impact on or increase traffic flow to the site.</b>
<i>(g) introduces new impacts or increase the severity of known impacts; or</i>	<b>The proposed use remains the same as multiple dwellings, therefore it will not introduce new impacts or increase the severity of known impacts.</b>
<i>(h) removes an incentive or offset component that would have balanced a negative impact of the development; or</i>	<b>The proposed changes will not remove any incentive or offset component that would have balanced a negative impact of the development.</b>
<i>(i) impacts on infrastructure provisions.</i>	<b>The proposed changes will not impact on infrastructure provisions.</b>

### **Landowners and Body Corporate's Consent**

Both Individual landowner and Body Corporate's consents have been provided.

The proposed patio is located within an exclusive use area, **Not within a Common area.**

In relation to landowner's consent from all individual unit owners, we seek Council's support to apply the **Excluded Premises** provision.

**Excluded Premises'** of the definition below

According to the *Planning Act 2016*, 'Excluded premises' means –

*...(b) for a change application – premises in relation to which 1 or more of the following apply for the application –*

*...(ii) the assessment manager considers the application does not materially affect the premises and that, given the nature of the change, the owner of the premises has unreasonably withheld consent; or*

*(iii) the assessment manager considers the application does not materially affect the premises and that because of the number of the owners, it is impracticable to get their consent.*

**Response:**

The proposed Minor Change application relates solely to Lot 11 (Unit 11), with the proposed patio located entirely within the exclusive use area of the unit. Accordingly, the proposed works will not materially impact any other lots or units within the development.

Given that the subject unit forms part of a larger development comprising 22 units, it would be impracticable to obtain consent from each individual lot owner.

- **Change to Approved Plans**

The proposed new patio to Unit 11 will trigger the amendment to the Approved Plans. The proposed building will be established entirely within the exclusive use area of Unit 11, not within the common property area.

**Proposed Minor Change:**



**Key details for Patio**

<b>Building height</b>	2.5m
<b>Setbacks (Measured to the OMP)</b>	<ul style="list-style-type: none"> <li>• Side boundary: &gt;2m</li> </ul>
<b>Materials and finishes</b>	Colourbond
<b>Size</b>	3m x 5m = 15m <sup>2</sup>

The proposed patio has achieved appropriate boundary setbacks. The proposed height of the patio is only 2.5m, which will not result any adverse impact to the adjoining properties. The subject premises is adjoining to an existing communal open space/landscaping area. The proposal will provide additional covered private open space for the residents, the proposed patio will not undermine the existing built form or appearance of the retirement unit. The proposed patio is adequately setback back from the adjacent unit. The proposed patio will not undermine the amenity and privacy of the adjoining unit as well as impacting the ability to receive nature light, sunlight and breezes of the residents and adjoining residents.

The proposal development also received support/approval from the body corporate. Referring to Body corporate consent attached in this application.

In Summary, we form the view that the proposed patio is minor building work only and it will not adversely impact on the existing development as a Retirement village in terms of scale, bulk, appearance, streetscape, built form and residential amenity.

Please do not hesitate to contact me if you wish to discuss the application.

Yours faithfully



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